

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE

2004 OCT 15 P 12:50

UNITED STATES OF AMERICA

**V.**

GEORGE SCHUSSEL,  
Defendant

CRIMINAL NO. 04-10040-RCL

U.S. DISTRICT COURT  
DISTRICT OF MASS.

**MOTION TO SUPPRESS GOVERNMENT’S USE AND ACQUISITION OF  
PRIVILEGED MATERIALS AND FOR OTHER APPROPRIATE RELIEF**

Now comes the defendant, George Schussel, who hereby moves that this Honorable Court suppress the direct and derivative use of the documents identified on Attachments "A", "B", and "C" and further preclude the Government from acquiring the documents identified on Attachment "D" because the documents were acquired and are sought in violation of the attorney-client and work-product privileges as set forth in sections I - XI of the Memorandum of Law which is incorporated herein and because as to the documents identified in Attachment "D" the Government cannot satisfy the requirements of Fed.R.Crim.P. 17(c) as required for the issuance of a pretrial subpoena.

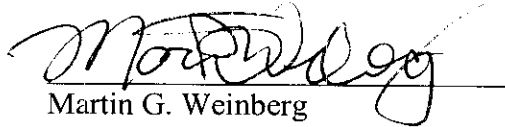
## REQUEST FOR ORAL ARGUMENT

The defendant requests oral argument on this motion.

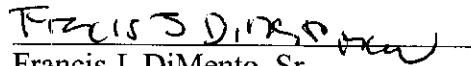
**LOCAL RULE 7.1(A)(2) STATEMENT**

Counsel has conferred with Assistant United States Attorney Carmen Ortiz and the parties have been unable to resolve the issues identified in this motion and the incorporated memorandum of law.

Respectfully submitted,  
BY HIS ATTORNEYS,



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DATED: October 15, 2004

**CERTIFICATE OF SERVICE**

I, Martin G. Weinberg, hereby certify that I have served one copy of the foregoing motion via-hand delivery upon Carmen Ortiz, Assistant United States Attorney, Moakley United States Courthouse, One Courthouse Way, Boston, MA 02210 on this 15<sup>th</sup> day of October, 2004.

  
Martin G. Weinberg